

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-4, 6-20, and 34-36 are pending in the present application, Claims 21-24 and 37 having been canceled without prejudice or disclaimer. The present amendment raises no new issues and places this application in better form for appeal by material reducing or simplifying the outstanding issues. Accordingly, the present amendment should be entered.

In the outstanding Office Action, Claims 1-4, 6-24, and 34-37 were rejected under 35 U.S.C. § 103(a) as unpatentable over Stefik (U.S. Pub. No. 2005/0086172) in view of Breiter et al. (U.S. Pub. No. 2003/0079133, herein "Breiter").

Applicants respectfully traverse the rejection of Claim 1 as unpatentable over Stefik and Breiter. Claim 1 recites, *inter alia*,

the control unit stopping the playing or the using of said streaming contents when a subsequent authentication processing, conducted when the information processing device is receiving said streaming contents, fails.

Stefik and Breiter, when taken in proper combination, do not disclose or suggest at least this feature of Claim 1.

In the response to arguments section at page 3 of the Office Action, the Office refers to paragraph [0005] of Breiter as disclosing the above-noted element of Claim 1. Applicants respectfully traverse this position.

Paragraph [0005] of Breiter states:

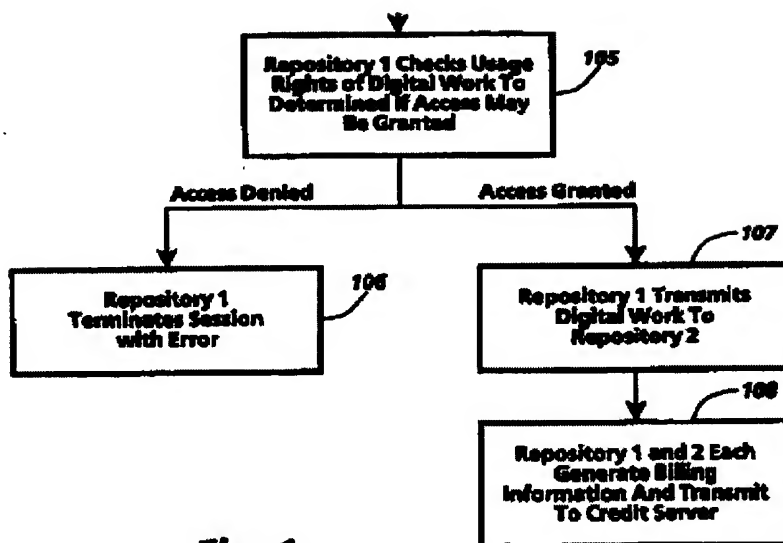
The access checking unit checks whether a user has a privilege to access the protected information entity based on the protection specification and the access control manager, and checks whether the requested access meets conditions determined based on the protection specification and enforced by the enhanced access control manager.

While this section of Breiter describes checking whether a user has a privilege to access protected information, there is no disclosure that such checking is “conducted *when* the information processing device is receiving” the protected information. Thus, paragraph [0005] of Breiter does not disclose the claimed “the control unit stopping the playing or the using of said streaming contents when a subsequent authentication processing, conducted when the information processing device is receiving said streaming contents, fails.”

Page 3 of the Office Action also refers to paragraphs [0040]+ of Breiter. Breiter, in its entirety, does not disclose the above-noted feature of Claim 1. Paragraph [0040] of Breiter states “checks whether or not it has the appropriate access rights for rendering the particular digital content.” Again, there is no disclosure that such checking is conducted *when* the information processing device is receiving the particular digital content.

Paragraph [0092] of Breiter describes the above-noted checking (block 820 of Fig. 8A) and that rendering is allowed if the user has the access right (block 822 in Fig. 8B). The checking in block 820 of Breiter’s Fig. 8A is not “conducted *when* the information processing device is receiving said streaming contents.”

Page 5 of the Office Action refers to Fig. 1 of Stefik, an excerpt of which is provided below.



**Fig. 1**

In step 105, the usage rights are checked, and transmission of the digital work is subsequently performed in step 107 if access is granted. There is no subsequent authentication process that is conducted *when* the repository 2 is receiving the digital work. Thus, Stefik does not disclose the claimed “stopping the playing or the using of said streaming contents when a subsequent authentication processing, conducted *when* the information processing device is receiving said streaming contents, fails.”

Since both Stefik and Breiter fail to disclose the claimed “the control unit stopping the playing or the using of said streaming contents when a subsequent authentication processing, conducted when the information processing device is receiving said streaming contents, fails,” Applicants respectfully submit that a person of ordinary skill in the art could not properly combine these references to arrive at the invention defined by Claim 1.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and any claims dependent thereon) patentably distinguish over Stefik and Breiter, when taken in proper combination.

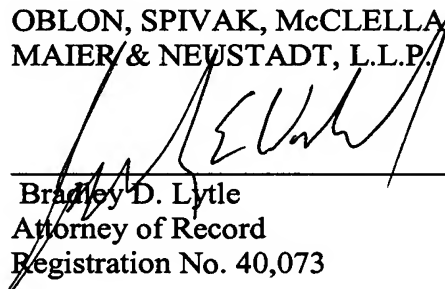
Claim 12 recites, *inter alia*, “an encryption processing unit for executing encryption processing including authentication processing in said communication processing via said communication unit, *the encryption processing unit executing authentication processing with said contents using device at least once while said contents using device is receiving streaming contents.*” Claim 16 *inter alia*, “control unit for executing output processing of a contents file via said communication unit to said contents using device, with establishment of verification of said rights information as a precondition thereof, the *verification of said rights information being executed at least once during the output processing of streaming contents to said contents using device and the output processing of streaming contents being stopped upon failure of the verification.*” As characterized above, a proper combination of Stefik and Breiter do not disclose these features of Claims 12 and 16. Thus, Claims 12 and 16 (and any claims dependent thereon) patentably distinguish over Stefik and Breiter, when taken in proper combination.

Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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